

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:
Garvey et al.

Serial No.: 09/837.389

Confirmation No.: 7672

Filed: April 18, 2001

For: DYNAMIC STORAGE SPACE
LINKING

Group Art Unit: 2157

Examiner: Sargon N. Nano

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Appeal Brief - Patents, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office to fax number 571-273-8300 to the attention of Examiner Sargon N. Nano, or electronically transmitted via EFS-Web, on the date shown below:

January 8, 2007
Date

/Joseph Jong/
Joseph Jong

Dear Sir:

RESPONSE TO NOTICE OF NON-COMPLIANT APPEAL BRIEF DATED
DECEMBER 6, 2006

Applicants submit a Revised Appeal Brief (attached herewith) and the following remarks in response to the Notice of Non-Compliant Appeal Brief dated December 6, 2006.

Applicants believe that the Revised Appeal Brief previously submitted on September 11, 2006, already contains a concise explanation of the subject matter defined in each of the independent claims involved in the appeal. However, in an effort to move the appeal forward expeditiously, Applicants submit a revised Summary of the Claimed Subject Matter which show support in the specification for each single limitation in each independent claim as required by the Examiner.

The Examiner also states in the Notice of Non-Compliant Appeal Brief that it is incorrect to include in section 8 under "Grounds of Rejection" a rejection of claims 1-8

and 10-16 under 103(a). Applicants respectfully submit that page 2 of the Final Office Action dated December 16, 2005, states that "Claims 1 - 8, 10 - 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blumenau et al., U.S. Patent No. 6,665,714." (Second sentence under section 2, page 2 of the Final Office Action dated December 16, 2005). Since the Examiner appears to have mistakenly or inadvertently included this sentence in the Final Office Action and/or appears to have withdrawn this rejection, Applicants have removed the corresponding sections with respect to this rejection from the appeal brief.

Respectfully submitted, and
S-signed pursuant to 37 CFR 1.4,

/Gero G. McClellan, Reg. No. 44,227/

Gero G. McClellan
Registration No. 44,227
Patterson & Sheridan, L.L.P.
3040 Post Oak Blvd. Suite 1500
Houston, TX 77056
Telephone: (713) 623-4844
Facsimile: (713) 623-4846
Attorney for Appellant(s)